IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9445 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JIKUBEN BHIKHABHAI RABARI

Versus

STATE OF GUJARAT

Appearance:

MR BM MANGUKIYA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

MR HS MUNSHAW for Respondent No. 4

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 19/09/2000

ORAL JUDGEMENT

Rule. Mr.K.T.Dave, Ld.AGP waives service of rule for respondent No.1 and 2 and Mr.Munshaw waives service of rule for respondent No.4.

2. In this petition under Article 226 of the

Constitution, the petitioner has made a grievance against the Additional Development Commissioner not granting interim stay during the pendency of the petitioner's appeal challenging the order of removal passed by the District Development Commissioner, Surendranagar under section 57(1) of Gujarat Panchayats Act, 1963 (hereinafter referred to as "the Act").

3. While issuing notice on 7.9.2000 this court granted ad interim stay of operation of the impugned order dated 14.8.2000 (at annexure "J" to the petition) with a clarification that the pendency of this petition or the aforesaid ad interim relief shall not come in the way of the authorities taking appropriate action for recovery of any amount under the provisions of any law.

4. Having heard the learned counsel for the petitioner as well as Mr.K.T.Dave, Ld.AGP for respondent Nos 1 and 2 and Mr.Munshaw for respondent No.4 this petition is disposed of with a direction that the ad interim relief granted earlier on 7.9.2000 shall continue till the disposal of the appeal by the Additional Development Commissioner and that the petitioner shall cooperate for expeditious hearing of the appeal.

Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

19.9.2000 (M.S.SHAH,J)